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EXAMINER

LEON, EDWIN A

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,652

Applicant(s)

POTHOVEN ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-10 in Paper No. 8 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities: the Brief Description of the Drawings mentions FIG. 5, which is not included in the Drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei et al. (U.S. Patent No. 5,592,048). With regard to Claim 1, Wei et al. discloses a body (12, 16) for an electrodeless lamp (10) of ceramic material and containing

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excitable material, the body (12, 16) comprising: a body preform (12, 16) of sintered ceramic material, defining the shape of the body (12, 16) which is hollow; an aperture (20) in the perform (12, 16) for charging the excitable material into the hollow body (12, 16); and a translucent window (24), the window (24) and the perform (12, 16) being a coherent unit resulting from the window (24) having been pressed onto the perform (12, 16) when green and the window (24) having been united to the preform (12, 16) on firing of the ceramic material (24). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 2, Wei et al. discloses the perform (12, 16) having a stepped recess (between 26) at one end for receiving the window (24), which is accommodated in the stepped recess (between 26). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 3, Wei et al. discloses the body (12, 16) having a flat end opposite from the window (24) for receiving a disc of sintered ceramic material (24) for sealing the aperture (20). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 6, Wei et al. discloses the ceramic material (24) of the perform (12, 16) being of alumina ceramic or quartz. See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 7, Wei et al. discloses the window (24) being of artificial sapphire or of quartz. See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 8, Wei et al. discloses the body (12, 16) being sealed at its charging aperture (20) and containing excitable material. See Fig. 1 and Column 2, Lines 8-61.

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With regard to Claim 9, Wei et al. discloses the body (12, 16) having a flat end opposite from the window (24) for receiving a disc of sintered ceramic material (24) for sealing the aperture (20), the ceramic disc (24) being sealingly adhered to the perform (12, 16) with the interposition of frit material (26). See Fig. 1 and Column 2, Lines 8-61.

Allowable Subject Matter

5. Claims 4-5 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination, the aperture in the preform having a surrounding formation which is collapsible on laser irradiation to seal the aperture, the aperture preferably being at an end of the preform opposite from the window, and the formation around the aperture being collapsed to seal it.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MacLennan et al. (U.S. Patent No. 6,310,443), Kroes et al. (U.S. Patent No. 4,927,217), Sommerer et al. (U.S. Patent No. 5,438,235), Inoue et al. (U.S. Patent No. 5,637,963), and Takeda et al. (U.S. Patent No. 6,020,690) discloses .

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

EAL

Edwin A. Leon
AU 2833

EAL
August 16, 2003

P. Bradley
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